

## REMARKS

Claims 26, 28, 30-31 and 48-54 are pending in the application.. Claims 25, 27, 29, and 32-39 have been canceled without prejudice or disclaimer. Claims 40-47 have been withdrawn. Claims 26, 28, 30, and 31 have been amended. New claims 48-54 have been added. No new matter has been added.

This is a response to the office action mailed 20 Nov 2003 for which an appropriate extension of time is hereby petitioned for and fee paid.

The substantive issues are actually raised in the office action dated 21 Aug 2003 and this amendment is responsive thereto.

Amendments have been made to the claims. The undersigned is a new attorney on this case and does not have a complete file history, which reliably indicates which claims are still in the case. Therefore, in some cases, new claims are presented to insure that proper examination would occur of these claims, rather than amend existing claims. This should not be taken as an admission that new claims were required to achieve allowance.

It is also possible that claims may depend from cancelled claims due to the inaccuracy of the undersigned's file history. The undersigned apologizes in advance if such is the case.

Finally, the examiner had previously agreed to an interview of this case, but it had to be cancelled due to travel arrangement problems of various parties. The undersigned wishes to re-set such an interview shortly and asks the examiner to telephone same ***before acting on this case***, in order to expedite the matter by interview, if it has not already taken place.

Turning to the substantive issues, the claims were rejected in various combinations of a very long list of references cited on page 3 of the 21 Aug office action and on page 2 of the 20 Nov office action.

The new claims are substantial changes in the formulation presented with respect to the system of elements and it is submitted that the previously used prior art is no longer applicable to support a sec 103 rejection. These issues will be covered in

greater detail (in view of the multitude of citations previously supplied) at the proposed interview, but the following comments may be immediately helpful.

It is extremely important to segregate prior art from drip coffee system as distinguished from pressurized systems, as is the case in this system. Pressure systems suffer from the key problem of having the hot water naturally finding ways to circumvent passage through much of the coffee grounds and finding a route around them, resulting in weak or unpredictable coffee.

The present system and pouch claims recognize this problem and incorporate several systems to minimize this effect. Amongst them are applying the hot water to a central portion of the pouch, providing a pouch which is flexible and conformable to a holder, insuring that the pouch and holder are in intimate contact except at the outlet/fluid permeable portion.

It turns out that when the pouch material is wet and is in intimate contact with the holder sidewalls, it exerts a back-pressure by creating a seal which tends to force the hot water to the more central portions of the pouch. This keeps it away from the peripheral edges where there are few coffee grounds. In a pouch which conforms to sloping walls (versus vertical walls) the occlusion is superior, thus systems with vertical walls for holding the pouch is less effective. Of course, by diverting water away from the sidewalls will concentrate the coffee making at the central portion of the pouch and not all of coffee grounds will be fully utilized. That is acceptable as the preferred utilization is as single-use or short term use with disposability.

Notice for example in EP 0 710 462 the hot water is not particularly infused to the central part of the pouch and there are gaps at the bottom and at sidewalls. This is a teaching away from the invention. The Illy patent '694 suffers from the same deficiencies and tries to overcome them by compressing the pouch from the side inwardly, not a useful teaching to this claimed invention. The Grykiewicz et al patent is a drip system and thus inapplicable but notice ribs 26 provide a flow path for the pouch on the entire bottom surface. This would provide very weak coffee as it would easily bypass much of central core of the pouch. (As a practical matter, the problems in drip systems are so different, it is hard to apply them as useful teaching of pressure

systems). The MacCorkell reference is a good illustration of the gaps left unengaged with the holder sidewall and would thus be a poor performer.

The remaining art is similarly structured without regard to the issues presented and solved in the claimed invention.

### **CONCLUSION**

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. The amendments clarify the patentable invention without adding new subject matter. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.

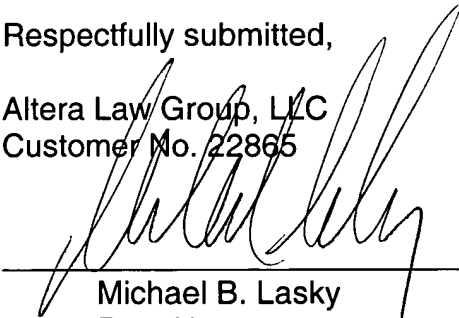
As stated above, the undersigned wishes to re-set an interview shortly and asks the examiner to telephone same ***before acting on this case***, in order to expedite the matter by interview, if it has not already taken place. Please contact Applicant's attorney of record, Michael B. Lasky at (952) 253-4106.

Respectfully submitted,

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Date: April 20, 2004

By:



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